

Draft Only  
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**SUMMARY of  
PROCEEDINGS**



JOINT AGRICULTURE, STATE AND PUBLIC LANDS & WATER RESOURCES COMMITTEE

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**COMMITTEE MEETING INFORMATION**

September 27–28, 2018 | 8:00 AM  
Northwest College, Yellowstone Conference Center  
Powell, WY

**COMMITTEE MEMBERS PRESENT**

Senator Hicks, Co-Chairman  
Representative Hunt, Co-Chairman  
Senator Emerich  
Senator Meier (excused Sept. 27)  
Senator Moniz  
Representative Blake  
Representative Clausen  
Representative Gray  
Representative Haley  
Representative Henderson  
Representative Laursen  
Representative Steinmetz

**COMMITTEE MEMBERS NOT PRESENT**

Senator Barnard  
Representative Simpson

**OTHER LEGISLATORS PRESENT**

Representative Flitner

**LEGISLATIVE SERVICE OFFICE STAFF**

Chris Land, Staff Attorney  
Elizabeth Martineau, Associate Fiscal Analyst  
Jill Reinking, Legislative Editor

**OTHERS PRESENT AT MEETING**

Please refer to Appendix 1-02 to review the Committee Sign-In Sheet  
for a list of other individuals who attended the meeting.

*The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at [lso@wyoleg.gov](mailto:lso@wyoleg.gov). The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at [www.wyoleg.gov](http://www.wyoleg.gov).*

## EXECUTIVE SUMMARY

The Joint Agriculture, State and Public Lands & Water Resources Committee (Committee) met to consider legislation concerning landlocked state lands, state land recreation fees, water banking, administration of the Board of Control, lawful fence standards, livestock permits, the Wyoming Seed Certification Service, a proposed malt barley commission and feed product tort liability.

The Committee also heard testimony on agricultural law enforcement issues and received updates from the Big Horn National Forest, the Bureau of Land Management, the Shoshone National Forest and Yellowstone National Park.

## CALL TO ORDER (SEPTEMBER 27, 2018)

Co-Chairman Hunt called the meeting to order at 8:00 AM. The following sections summarize the Committee proceedings by topic. Please refer to [Appendix 1-01](#) to review the Committee Agenda.

Stefani Hicswa, President, Northwest College, welcomed Committee members to Northwest College.

## FEDERAL UPDATES

### ***Bureau of Land Management***

R. Cade Powell, Manager, Cody Field Office, provided an update regarding current activities in the Wind River/Bighorn Basin District and Cody Field Office ([Appendix 2-01](#)).

### ***Shoshone National Forest***

Lisa Timchak, Forest Supervisor, provided an update on current activities in the Shoshone National Forest.

## LANDLOCKED STATE LANDS

### ***19LSO-0067 v.0.5 (State-federal school trust lands exchange)***

Co-Chairman Hicks provided an overview of the contents of the bill ([Appendix 3-01](#)).

### ***Public Comment***

Ken Decaria, Wyoming School Board Association, expressed support for the bill and spoke about the State's obligations regarding state lands and K-12 education.

Bridget Hill, Director, Office of State Lands and Investments, discussed potential concerns with this legislation, including the term "school trust land" and the lack of available resources to conduct an equal value exchange appraisal according to federal standards.

Stephanie Kessler, Wyoming Outdoor Council, expressed thanks to the Committee for continuing to work on this issue.

Ron Sniffin, Wyoming Education Association, expressed support for the bill.

Erin Campbell, Wyoming State Geologist, stated that the extent of the mineral assessments required to conduct an exchange would be beyond current Wyoming State Geological Survey resources.

Darek Farmer, Wyoming Hunters and Anglers Alliance, testified that an exchange should look to increase recreational opportunities.

**Committee Action**

Rep. Clausen moved that the Committee consider 19LSO-0067 v.0.5, seconded by Rep. Laursen.

The Committee adopted the following amendments:

- |                           |   |
|---------------------------|---|
| Pg. 1-line 12             | Clarify "parcels of land under the jurisdiction of the federal government" to include conservation areas.   |
| Pg. 2-lines 18 through 19 | Strike "serving" and "important" and after "not" insert "maximizing" and after "the" insert "potential revenues for the".   |
| Pg. 2-lines 26 through 27 | After "Wyoming" insert "." and strike "also increase opportunities for recreation".   |
| Pg. 4-line 4              | Strike "in" and insert "as identified by".  |
| Pg. 4-line 13             | After "the Interior" insert the "United States Department of Agriculture".  |
| Pg. 5-line 14 through 15  | Strike "(vii) An appropriation to cover the costs incurred by the Federal Government during the exchange process" and insert language relating to federal spending authority. |

The Committee, by voice vote, advanced this bill to the November meeting.

**19LSO-0068 v.0.5 (Legislative review of state-federal land transfers)**

Co-Chairman Hicks provided an overview of the contents of the bill ([Appendix 3-02](#)).

**Public Comment**

Director Hill, Office of State Lands and Investments, testified she had four concerns with this bill: (1) the separate constitutional duties of the Board of Land Commissioners and the Legislature; (2) the fiduciary responsibility of the Commissioners; (3) the possibility of introducing an element of locality to a statewide process; and (4) the addition of another element in an already cumbersome process.

Stephanie Kessler, Wyoming Outdoor Council, expressed opposition to the bill.

Darek Farmer, Wyoming Hunters and Anglers Alliance, testified that the Board of Land Commissioners needs to revise its statutes relating to public comment, but felt the current system is adequate.

**Committee Action**

Co-Chairman Hicks moved that the Committee consider 19LSO-0067 v.0.5, seconded by Rep. Steinmetz.

The Committee directed LSO staff to review the constitutional concerns raised by the Office of State Lands and Investments.

The Committee adopted the following amendments:

Pgs. 2 through 4

Require proposed agreement to be submitted for consideration at the next legislative session and remove interim/final days of legislative session language. Make conforming amendments.

Pg. 9-line 21

Strike “if a hearing is requested by the county commissioners”.

The Committee, by voice vote, advanced this bill to the November meeting.

### ***Federal Land Exchange Legislation Update***

Chris Land, Legislative Service Office, provided an update on the status of state-federal land exchange legislation in Congress ([Appendix 3-05](#)).

Bridget Hill, Office of State Lands and Investments, provided an overview of the analysis her office conducted related to state lands and grazing fees ([Appendix 3-03](#)) ([Appendix 3-04](#)).

### **RECREATION STAMPS & STATE LANDS**

Bridget Hill, Office of State Lands and Investments, provided an overview of the analysis her office conducted on recreation stamps and state lands, specifically Montana and New Mexico ([Appendix 4-02](#)).

#### ***19LSO-0069 v.0.5 (State lands-recreation).***

Co-Chairman Hicks provided an overview of the contents of the bill ([Appendix 4-01](#)).

The Committee discussed the possible impact of a recreation stamp for state lands. The Committee also reviewed similar legislation from the Joint Travel, Recreation, Wildlife & Cultural Resources Committee.

#### ***Public Comment***

Director Hill, Office of State Lands and Investments, identified concerns with the bill, including identifying certain “state trust lands” as “state recreational lands,” not excluding grazing lessees from stamp requirements and the possible need to pro-rate earnings to benefit the appropriate trusts.

Brett Moline, Wyoming Farm Bureau Federation, testified that the age requirement for a recreation stamp should be age 12 and that the recreation stamp amount should not be indexed for inflation.

Darek Farmer, Wyoming Hunters and Anglers Alliance, testified that his organization supports recreation stamps, if funds will benefit hiking trails and if the age requirement is increased to age 18.

Reg Phillips, Wyoming Stock Growers Association, provided written testimony from Executive Vice President Jim Magagna ([Appendix 13-04](#)). He also expressed concern about enforcement.

Stephanie Kessler, Wyoming Outdoor Council, stated that this issue is complex and could be combined with the Joint Travel, Recreation, Wildlife & Cultural Resources Committee legislation.

Jenny Desarro, Greater Yellowstone Coalition, concurred with Ms. Kessler’s testimony.

Tim Young, Wyoming Pathways, echoed the importance of the Joint Travel Committee's efforts and indicated that a second fee would be problematic.

Ron Sniffin, Wyoming Education Association, stated that the purpose of school trust lands is to generate revenue for K-12 education. He stated that the Joint Travel Committee's efforts had a different intent.

### **Committee Action**

Co-Chairman Hicks moved that the Committee consider 19LSO-0069 v.0.5, seconded by Rep. Laursen.

The Committee adopted the following amendments:

Throughout the draft	Strike “state recreational lands” and insert “state trust lands”.
Pg. 3-lines 23 through 27	Strike “Beginning January 1, 2023, the director may, by rule, adjust the cost of a recreation stamp under this subsection to account for changes in the consumer price index published by the bureau of labor statistics of the United States department of labor.”.
Pg. 7-line 12 through pg. 8-line 20	Delete.

After discussion, the Committee took no further action on this bill by unanimous consent.

Co-Chairman Hicks requested that the Legislative Service Office draft a bill for the November meeting based on the Montana aquatic invasive species fee on hunting and fishing licenses to raise funds for public schools.

## **WATER BANKING**

### **19LSO-0095 v.0.6 (Water banking)**

Co-Chairman Hicks provided an overview of the contents of the bill ([Appendix 6-01](#)) and also discussed a master’s thesis by Sarah Brennan (Oregon State University) regarding water banking legislation in the western United States ([Appendix 6-04](#)).

Pat Tyrrell, State Engineer, also provided the Committee with information regarding water banking in other western states ([Appendix 6-02](#)).

State Engineer Tyrrell testified that water banking legislation would likely have to be consistent with other affected states. Jason Mead, Wyoming Water Development Commission, provided written testimony on behalf of Director LaBonde ([Appendix 6-03](#)).

### **Public Comment**

Reg Phillips, Wyoming Stock Growers Association, expressed concern about the bill as currently drafted.

### **Committee Action**

Co-Chairman Hicks moved to table 19LSO-0095, v.0.6 until the November meeting, pending further discussion by an informal Water Banking Working Group comprised of members of the Committee. The motion was seconded by Sen. Emerich and adopted by voice vote.

## **BOARD OF CONTROL ADMINISTRATION & ADJUDICATION**

Pat Tyrrell, State Engineer, provided the Committee with an overview of the Board of Control's administration, adjudication process, duties, and personnel.

**Public Comment**

Martin Mercer, Paint Rock Angus Ranch, testified about difficulties with Board of Control petitions. Mr. Mercer expressed frustration that the process has been cumbersome and costly.

Rep. Flitner testified that discontent regarding the Board of Control's management of water rights is common and that individuals do not speak publicly because of concerns about repercussions from the Board. She stated that the Board should create an environment where people feel like they may be heard.

Quint Noyes, landowner in Powell, thanked the Committee and testified that public meetings were a good first step. Mr. Noyes testified that he was frustrated by the lack of local control of water laws.

Pat Tyrrell, State Engineer, addressed questions regarding personnel reductions and stated that individuals should inform him of fears of retaliation by the Board of Control or other concerns about speaking publicly.

**LAWFUL FENCE STANDARDS*****Lawful Fence Standards (Preemption) Bill- SF 108 (2018)***

Brett Moline, Wyoming Farm Bureau Federation, testified on recent concerns that increasing development could cause landowners to share the cost of expensive decorative fences that would not keep animals out. He stated that these were the concerns behind SF 107 (2018).

**Public Comment**

Jenny Desarro, Greater Yellowstone Coalition, testified that her organization was opposed to the bill because it attempted to remove local powers.

Darek Farmer, Wyoming Hunters and Anglers Alliance, testified that his organization believed local control of this issue was appropriate.

**Committee Action**

Rep. Laursen moved that the Legislative Service Office draft a bill identical to SF 107 (2018) for the November meeting. Senator Moniz seconded the motion, which was adopted by voice vote.

**FIRE SUPPRESSION ACCOUNT**

Based on recent fires throughout Wyoming and the costs associated with suppression, Co-Chairman Hicks moved that the Legislative Service Office draft legislation providing a one-time \$20 million appropriation to the Fire Suppression Account from the General Fund, with a continuing appropriation of \$1 million each year that the balance of the Account is less than \$25 million. Rep. Henderson seconded the motion, which adopted by voice vote.

Co-Chairman Hicks also moved that the Legislative Service Office draft legislation providing that unexpended, unappropriated funds at the end of a biennium which are appropriated to the Division of Forestry automatically revert to the Fire Suppression Account. Sen. Emerich seconded the motion, which was adopted by voice vote.



## **GENERAL PUBLIC COMMENT**

Lloyd Teal, local resident, testified about the state-controlled Beartooth Ranch and requested the Committee's assistance in returning this property to the community. The Committee directed Legislative Service Office staff to conduct research on this issue and report in November.

## **RECESS**

Pursuant to the agenda, the Committee recessed at 5:00 PM.

## **CALL TO ORDER (SEPTEMBER 28, 2018)**

Co-Chairman Hicks called the meeting to order at 8:00 AM.

## **ECONOMIC DEVELOPMENT IN POWELL, PARK COUNTY & BIGHORN BASIN**

Christine Bekes, Powell Economic Partnership, provided the Committee with an overview of economic development projects in Powell and existing challenges ([Appendix 12-02](#) and [Appendix 12-01](#)).

## **LIVESTOCK PERMITS**

### ***State Veterinarian Update***

Dr. Jim Logan, State Veterinarian, provided an update relating to veterinary diseases on the state and national level, including a discussion about Johne's Disease in Wyoming ([Appendix 13-02](#)). Dr. Logan also testified that there were no new cases of brucellosis and one case of Equine Infectious Anemia.

### ***Brand Rerecording***

Steve True and Lee Romsa, Wyoming Livestock Board, testified about the brand rerecording process, which includes multiple mailings. The Committee discussed the practicality and costs associated with requiring certified mail, considering the number of notices that are returned to sender.

Rep. Laursen moved that the Legislative Service Office draft a bill to remove the certified mail requirement for brand rerecording. The motion was seconded by Sen. Moniz and was adopted by voice vote.

### ***19LSO-0070 v.0.5 (Livestock permits)***

Steve True, Wyoming Livestock Board, thanked the Committee for considering possible changes to livestock permit fees ([Appendix 13-01](#)). However, he informed the Committee that consensus has not been reached on this issue and more time is needed.

Mr. Martin Mercer, Wyoming Livestock Board member, stated his belief that the permits are a convenient way to move livestock.

Jim Magagna, Executive Vice President, Wyoming Stock Growers Association provided written comments on the permits. ([Appendix 13-04](#))

### ***Public Comment***

Brett Moline, Wyoming Farm Bureau, testified that ten years is too long of a time for brand renewal, but that reducing this time period will increase the workload of the Livestock Board.

Rick Red, Breeze Industries, testified that he appreciated the work of the Livestock Board and Committee on this issue and stated that there needed to be more enforcement of livestock penalties.

**Committee Action**

After discussion, the Committee took no further action on this bill by unanimous consent.

**WYOMING SEED CERTIFICATION SERVICE**

Bret Hess, Interim Dean, College of Agriculture & Natural Resources, University of Wyoming, provided the Committee with an overview of the seed certification program. ([Appendix 15-01](#)) The mission of the Service is to provide quality seed for farmers. The Service also provides research and education. The Committee discussed the Service's current personnel and budget.

**Consideration of Proposals & Drafting Instructions**

Senator. Meier moved that the Legislative Service Office draft legislation for the November meeting that would require the University of Wyoming to pay the salary and benefits of the Wyoming Seed Certification Service manager. The motion was seconded by Rep. Blake and was adopted by voice vote.

**MALT BARLEY COMMISSION*****Malt Barley Commission- 2018 Draft (18LSO-0392 v.1.1)***

Rep. Laursen provided an overview of this topic and discussed 18LSO-0392 from the 2018 Session ([Appendix 16-01](#)).

Ric Rodriguez, malt barley grower, testified that there is a need for a barley commission in Wyoming to provide barley marketing services, conduct outreach and participate at the state and national level regarding barley producers' needs. The proposed commission would be supported by a fee but would include a refund provision.

Keith Kennedy, Wyoming Crop Improvement Association, testified that this commission would be structured like the Wyoming Wheat Marketing Commission.

**Public Comment**

Rick Redd, Briess Malt & Ingredients Company, testified that the concept of a barley commission should be considered, but that there has not been enough input from growers.

Dave Dougherty, MillerCoors, stated that his company supported Mr. Rodriguez's efforts to represent growers and that agro-economic research conducted by a barley commission could help.

**Committee Action**

Rep. Laursen moved to have the Legislative Service Office draft legislation based on proposed language. The motion was seconded by Sen. Moniz and was adopted by voice vote.

**BIGHORN NATIONAL FOREST UPDATE**

Andrew Johnson, Forest Supervisor, provided an update regarding current activities in the Bighorn National Forest.

**AGRICULTURAL LAW ENFORCEMENT & INSPECTIONS*****Livestock Inspections & Law Enforcement***

Capt. Steve Sanders, Wyoming Highway Patrol, testified that troopers receive four hours of training related to livestock inspections and transportation ([Appendix 19-01](#)). The State of Wyoming's ports of entry are



primarily involved in livestock movement and inspections ([Appendix 19-02](#)). The Committee discussed the practicality of stopping all commercial vehicles for inspection and whether current Department of Transportation resources were adequate.

The committee heard from a panel of law enforcement officers from across Wyoming (Scott Steward, Ken Blackburn, Clint Becker, Clint Steward, Justin Haze and Don Huntman) regarding law enforcement and livestock inspections. The primary concern was a lack of sufficient training and manpower for law enforcement officers to also serve as brand inspectors.

### ***Public Comment***

Rep. Flitner testified that livestock theft was a real threat to Wyoming producers, but that solutions are limited. Rep. Flitner stated that the Livestock Board should partner with the oil and gas industry and federal agencies to ensure production facilities and public lands are more secure.

Corbie McGinnis, Green River landowner, testified that livestock thefts are a serious concern. Ms. McGinnis stated that there needed to be more assistance from law enforcement to assist with rural thefts and that cases need to be prosecuted and not settled out of court.

Mike Nunez, Green River landowner, testified that illegal dumping was also an issue, as well as hay, tractor and other property theft. Mr. Nunez stated that county sheriffs should come together to address these rural crimes.

### ***Horse Testing & Inspections in Yellowstone National Park***

Brad Ross, Ranger, Yellowstone National Park, provided an update about horse testing and inspections in Yellowstone National Park.

Dr. Jim Logan, State Veterinarian, provided more information on Equine Infectious Anemia ([Appendix 13-02](#)).

## **FEED PRODUCT TORT LIABILITY**

Brett Moline, Wyoming Farm Bureau Federation, testified about farmers' concerns that certain agricultural feed products are subject to potential strict liability as "manufacturers" in tort actions.

### ***Public Comment***

There was no public comment.

### ***Committee Action***

Rep. Steinmetz moved to have the Legislative Service Office draft legislation on this topic. The motion was seconded by Rep. Laursen and adopted by voice vote.

## **MEETING ADJOURNMENT**

There being no further business, Co-Chairman Hunt adjourned the meeting at 4:40 p.m.  
Respectfully submitted,

Senator Hicks, Co-Chairman

# Committee Meeting Materials Index

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Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	LSO
2-01	Federal Updates	BLM - Cody Field Office Update	Bureau of Land Management
3-01	Landlocked State Lands	19LSO-0067 v0.5 State-federal school trust lands exchange.	LSO
3-02	Landlocked State Lands	19LSO-0068 v0.5 Legislative review of state-federal land transfers.	LSO
3-03	Landlocked State Lands	State Trust Lands Revenue	Office of State Lands & Investments
3-04	Landlocked State Lands	State Lands & Grazing Fees	Office of State Lands & Investments
3-05	Landlocked State Lands	Overview of H.R. 4257 (Advancing Conservation and Education Act)	LSO
4-01	Recreation Stamps & State Lands	19LSO-0069 v0.5 State lands-recreation.	LSO
4-02	Recreation Stamps & State Lands	Recreational Revenue Summary	Office of State Lands & Investments
6-01	Water Banking	19LSO-0095 v0.6 Water banking.	LSO
6-02	Water Banking	Water Banking & Water Marketing in the Colorado River Basin	State Engineer's Office
6-03	Water Banking	Comments on Water Banking Draft Bill	Wyoming Water Development Commission
6-04	Water Banking	19 Western State Comparison -Water Banking	Senator Hicks

9-01	Lawful Fence Standards	Lawful Fence Standards (Preemption) Bill- 2018 Session [SF 107]	Chairman Hicks
12-01	Economic Development in Powell, Park County & Bighorn Basin	Economic Development & Agriculture	Powell Economic Partnership
12-02	Economic Development in Powell, Park County & Bighorn Basin	Wyoming Agriculture Diversification Summit Outcomes	Powell Economic Partnership
13-01	Livestock Permits	19LSO-0070 v0.5 Livestock permits.	LSO
13-02	Livestock Permits	State Veterinarian Update	Dr. Jim Logan, State Veterinarian
13-03	Livestock Permits	Brand Inspection Revenue	Livestock Board
13-04	Livestock Permits	Comments on the issues	Wyoming Stock Growers Association
15-01	Wyoming Seed Certification Service	Overview of Wyoming Seed Certification Service	University of Wyoming
16-01	Malt Barley Commission	Malt Barley Commission Draft Bill- 2018 Session [18LSO-0392, v.1.1]	Rep. Laursen
19-01	Agricultural Law Enforcement & Inspections	Equine Infectious Anemia	Wyoming Livestock Board
19-01	Agricultural Law Enforcement & Inspections	Wyoming Highway Patrol & Livestock Inspections	Wyoming Department of Transportation
19-02	Agricultural Law Enforcement & Inspections	Agricultural Exemptions & Federal Motor Carrier Standards	Wyoming Department of Transportation